

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TERRANCE D. GODFREY,

Plaintiff,

vs.

**BRYAN EASTON, TYLER JAIMET,
PAMELA SCOTT, LACY REAMS,
RICHARD HARRIS, BRUCE GUTREUTER,
KIMBERLY BUTLER, and
DEBBIE KNAUER,**

Defendants.

CIVIL NO. 16-cv-496-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter initially came before the Court on Plaintiff Godfrey's Complaint filed May 4, 2016 (Doc. 1). On June 14, 2016, the Court dismissed Godfrey's Complaint for failing to request relief pursuant to Federal Rule of Civil Procedure 8(a)(3), which requires that a pleading states a specific request for relief (Doc. 7). On June 15, 2016, the Court issued a Notice of Errors and/or Deficiencies notifying Godfrey that he had an opportunity to file a "First Amended Complaint" by July 15, 2016 (Docs. 7, 8). A week later, the Court granted Godfrey's request for copies (Doc. 9) because Godfrey moved from Pontiac Correctional Center to Stateville Correctional Center ("Stateville") around the time of this Court's June orders and may not have received copies of the pertinent orders (Doc. 11). The Clerk of the Court sent copies on June 22, 2016.

Subsequently, on July 14, 2016, Godfrey filed a Motion for Extension of Time (Doc. 12) and a Motion for Reviewing Plaintiff's Sworn Affidavit (Doc. 13) wherein he raises a number of concerns about his legal proceedings due to the delays inherent in his move to Stateville.

Specifically, he requests additional time to file his amended complaint on the basis that his legal library access was severely limited and because the Court had not yet tendered to him nine U.S. Marshals' service of process forms that he had requested.

The Court notes that none of Godfrey's requests address or pertain to the underlying deficiency in his Complaint—the lack of a request for relief. Though the Court initially granted Godfrey until July 15, 2016 to file an amended complaint, he has now had an additional 30 days to file an amendment and has yet to do so. His concerns regarding access to the law library, though they may be genuine, have little to no bearing on his ability to make a basic statement of the relief he requests because the amount or form of relief available is not governed by some uniform material that he must access in order to state a demand. Furthermore, Godfrey is an experienced *pro se* litigant, having pursued at least four previous cases in federal courts. *See* C.D. Ill., CM/ECF, Case No. 1:98-cv-02097-MPM-DGB; Case No. 1:99-cv-01127-JBM-JAG; Case No. 1:99-cv-01171-JBM-JAG (Dkt. 17 finding that Godfrey has 3 strikes under 28 U.S.C. 1915(g)); Case No. 1:00-cv-01302-HAB-JAG. His track record suggests that he is familiar enough with legal proceedings to make a demand for relief without needing extensive access to the legal library.

Finally, Godfrey's concern that he has not been provided with U.S. Marshals forms to effectuate service of process is premature at this juncture. Service of process in prisoner litigation cases does not proceed until after the case has passed through screening under 28 U.S.C. § 1915A. Godfrey's Complaint has not yet passed this threshold.

In sum, Godfrey's requests for an extension of time are not meritorious. Accordingly, his Motion for Extension of Time (Doc. 12) and Motion to Review a Sworn Affidavit (Doc. 13) are

hereby **DENIED**. Additionally, because Godfrey has not complied with the Court's June 14, 2016 Order providing him the opportunity to file an amended complaint:

IT IS ORDERED AND ADJUDGED this action is **DISMISSED**. Dismissal is with **prejudice**, and shall count as a **strike** for purposes of 28 U.S.C. § 1915(g). The Clerk of Court is **DIRECTED** to enter Judgment in favor of Defendants and against Plaintiff Godfrey.

IT IS SO ORDERED.

DATED: August 16, 2016

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge